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23 TESLA, INC. dba TESLA MOTORS, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

17 DEMETRIC DI-AZ, OWEN DIAZ AND
LAMAR PATTERSON

Case No. 17-cv-06748-WHO

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Plaintiffs.

[PROPOSED] ORDER DENYING PLAINTIFF OWEN DIAZ'S MOTIONS *IN LIMINE*

20 TESLA, INC. DBA TESLA MOTORS,
21 INC., CITISTAFF SOLUTIONS, INC.;
22 WEST VALLEY STAFFING GROUP;
23 CHARTWELL STAFFING SERVICES,
INC.; NEXTSOURCE, INC.; and
DOES 1-10, inclusive

Date: May 11, 2020
Time: 10:00 a.m.
Courtroom: 2, 17th Floor
Judge: Hon. William H. Orrick

Trial Date: June 8, 2020
Complaint Filed: October 16, 2017

24 Defendants.

PROPOSED ORDER

On May 11, 2020 at 10:00 a.m., Plaintiff Owen Diaz's Motions *In Limine* came on for telephonic hearing, the Honorable William H. Orrick presiding. All parties were represented by counsel.

After consideration of the papers and evidence submitted, and of the oral and written submissions by the respective parties, the Court finds that Tesla is entitled to an order denying Plaintiff's Motions *In Limine* Nos. 1, 2, 3, 4, 5 and 6 as follows:

1. Plaintiff's Motion *In Limine* No. 1 is denied. To the extent that any witnesses
2 testify regarding the use of the n-word or other racial terms or phrases, Tesla is
3 entitled to put on evidence regarding the context of usage, including any witnesses'
4 lay opinion that the usage was not offensive;
5. Plaintiff's Motion *In Limine* No. 2 is denied. Tesla may call Ramon Martinez as a
6 witness and he may testify;
7. Plaintiff's Motion *In Limine* No. 3 is denied. Ramon Martinez's handwritten
8 statement was provided as part of an investigation, and is admissible along with the
9 rest of the investigative file;
10. Plaintiff's Motion *In Limine* No. 4 is denied. Testimony and evidence regarding
11 the workplace relationship between Plaintiff and Rothaj Foster is relevant and
12 admissible;
13. Plaintiff's Motion *In Limine* No. 5 is denied. Testimony and evidence regarding
14 Plaintiff's work performance and workplace environment is relevant and
15 admissible; and

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6. Plaintiff's Motion *In Limine* No. 6 is denied. Testimony and evidence regarding Demetric Di-az's Criminal Charges and convictions is relevant to Plaintiff Owen Diaz's claims, and is also admissible pursuant to Federal Rule of Evidence 609.

IT IS SO ORDERED.

DATED: _____

The Hon. William H. Orrick
U.S. District Court, Northern District of California